IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5512 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MUKESHBHAI V TRIVEDI

Versus

GUJARAT MINERAL DEVELOPMENT CORPORATION LTD

Appearance:

MR JAGDISH MEHTA FOR MR YOGESH S LAKHANI for Petitioner

None present for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 11/08/2000

ORAL JUDGEMENT

#. Heard the learned counsel for the petitioner.

#. Under the order dated 21st August, 1985, the Gujarat Mineral Development Corporation, in response to the

application of the petitioner for the post of Turner, agreed to offer him the post of Turner on the terms and conditions as enumerated therein. Vide telegram of the Corporation dated 21st August, 1985, the copy of which is there at page No.12 of the special civil application, this offer given to the petitioner came to be cancelled for the time being. It is the case of petitioner that thereafter he made representations from time to time to the Corporation in the matter but when nothing has been done he approached to this court and prayer has been made by petitioner for directing the Corporation to appoint the petitioner on the post of Turner.

#. This writ petition deserves to be dismissed only on the ground of delay and laches. This offer of the post given to the petitioner has been cancelled by the Corporation way back on 21st August, 1985, and this petition has been filed by petitioner on 14th August, 1991, i.e. after about six years of the cancellation of the offer given for the post of Turner by the Corporation to the petitioner. It is true that the court expects from the litigants first to file representations or send notice of demand to the authority concerned against the action complained of before approaching this court. But if within reasonable time the authority has not responded to it they have to approach to the court. By filing of representation this delay cannot be taken to be explained. This is petitioner's own volition and in case he would have been really interested in appointment, he would not have waited for six years. The petitioner is a Turner, a technical person, and possibility of his being in other employment in the meanwhile cannot be excluded.

#. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, earlier granted stands vacated. No order as to costs.

.....
(sunil)